

SEALEDUNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

NOV 14 2018

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY *[Signature]*

UNITED STATES OF AMERICA

v.

JEROD AVILA,
*Defendant.***§ INDICTMENT****SA 18 CR**

Villalobos

840**XR**

§ COUNT ONE: 18 U.S.C. §§ 922(g)(1),
 § 924(e), Possession of a Firearm by
 § Prohibited Person;
 § COUNT TWO: 18 U.S.C. § 924(c)(1)(A),
 § Possession of a Firearm during Drug
 § Offense;
 § COUNT THREE: 21 U.S.C. §§ 841(a),
 § 841(b)(1)(B), Possession with intent to
 § Distribute Methamphetamine;
 § COUNT FOUR: 26 U.S.C. § 5861(d),
 § Possession of an Unregistered Firearm.]

§ Cause No.:

§

THE GRAND JURY CHARGES:

COUNT ONE
[18 U.S.C. § 922(g)(1) and 924(e)]

On or about May 24, 2018, in the Western District of Texas, Defendant,

JEROD AVILA,

having been convicted of a crime punishable by imprisonment for a term exceeding one year did
 knowingly possess in and affecting interstate commerce twenty-three (23) firearms, to wit:

MAKE	MODEL	DESCRIPTION	SERIAL #
RUGER	P90 .45 Caliber	Semiautomatic pistol	66247506
SMITH & WESSON	64 .45 Caliber	Semiautomatic pistol	TBA1447
SMITH & WESSON	SD40VE .40 Caliber	Semiautomatic pistol	OBLITERATED
ITHICA	M1911 .45 Caliber	Semiautomatic pistol	885021

PIETRO BERETTA	92FS 9MM	Semiautomatic pistol	L41025Z
SMITH & WESSON	642 38 SPL	Revolver	DCW0261
GLOCK	23 .40 Caliber	Semiautomatic pistol	UKK899
SMITH & WESSON	64-3 38 SPL	Revolver	AFR6015
NORINCO	SKS 7.62X39MM Caliber	Semiautomatic	18015884N
SPRINGFIELD	MIA 308 Caliber	Semiautomatic	206044
RUGER	10-22, .22 Caliber	Semiautomatic Rifle	23915536
MOSSBERG	185K-A, 20 Gauge	Bolt Action Shotgun	NO SERIAL #
MOSSBERG	715T .22 Caliber	Semiautomatic Rifle	EM13888827
RUGER	M77 223	Bolt Action Shotgun	78467248
WINCHESTER	1300 20 Gauge	Shotgun	L3341356
GLOCK	27 40 Caliber	Semiautomatic pistol	TAD323
RUGER	22 Light w/suppressor .22 Caliber	Semiautomatic pistol	39094765
ROMARM GP	WASR-10 7.62X39 Caliber	Semiautomatic Rifle	SA1306081
SMITH & WESSON	1000 12 Gauge	Lever Action Shotgun	FS23864
SAVAGE ARMS	11 243 Caliber	Bolt Action Shotgun	G255353
TAURUS BZ	PT100A .40 Caliber	Semiautomatic pistol	SZL66794
KIMBER	TAC PRO 2 .45 Caliber	Semiautomatic pistol	KR57588
DPMS	A15 223 Caliber	Semiautomatic Rifle	F141568K

which had been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Section 922(g)(1) and 924(e).

COUNT TWO
[18 U.S.C. § 924(c)(1)(A)]

On or about May 24, 2018, in the Western District of Texas, Defendant,

JEROD AVILA (1),

did knowingly possess a firearm, a CBC, Sears & Roebuck, 12 gauge shotgun (sawed off shotgun), with a pistol grip, bearing no legible serial number, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, Possession with Intent to Distribute Methamphetamine, in violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT THREE
[21 U.S.C. §§ 841(a)(1) & (b)(1)(B)]

On or about May 24, 2018, in the Western District of Texas, Defendant,

JEROD AVILA,

did unlawfully, knowingly, and intentionally possess with intent to distribute a controlled substance, which offense involved 50 grams or more of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) & 841(b)(1)(B).

COUNT FOUR
[26 U.S.C. §5861(d)]

On or about May 24, 2018, in the Western District of Texas, Defendant,

JEROD AVILA,

knowingly possessed two firearms, namely, two sawed-off shotguns which had been modified to have a barrel or barrels less than 18 inches in length, made from a Stevens, unknown model, 12 gauge shotgun, and a CBC, Sears & Roebuck, 12 gauge shotgun, not registered to him in the National Firearms Registration and Transfer Record in violation of Title 26, United States Code, Section 5861(d).

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE
[See Fed. R. Crim. P. 32.2]

I.

Firearm Violations and Forfeiture Statutes

[Title 18 U.S.C. §§ 922(g)(1) and 924(c)(1)(A), subject to forfeiture pursuant to Title 18 U.S.C. § 924(d)(1) and Title 28 U.S.C. § 5872, made applicable to criminal forfeiture by Title 28 U.S.C. § 2461]

As a result of the criminal violations set forth in Counts One, Two, and Four, the United States of America gives notice to Defendant **JEROD AVILA** of its intent to seek the forfeiture of the properties described below upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 924(d)(1), and pursuant to Title 28 U.S.C. § 5872, made applicable to criminal forfeiture by Title 28 U.S.C. § 2461, which states:

Title 18 U.S.C. § 924. Penalties

(d)(1) Any firearm or ammunition involved in or used in any knowing violation of subsection . . . (g) . . . of section 922 . . . or knowing violation of section 924 . . . shall be subject to seizure and forfeiture . . . under the provisions of this chapter. . . .

Title 28 U.S.C. § 5872. Forfeitures

(a) Laws applicable. -Any firearm involved in any violation of the provisions of this chapter shall be subject to seizure and forfeiture . . .

II.

Drug Violations and Forfeiture Statutes

[Title 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), subject to forfeiture pursuant to Title 21 U.S.C. §§ 853(a)(1) and (2)]

As a result of the foregoing criminal violations set forth in Count Three, the United States of America gives notice to the Defendant **JEROD AVILA** of its intent to seek the forfeiture of the properties described below upon conviction pursuant to Fed. R. Crim. P. 32.2 and Title 21 U.S.C. § 853(a)(1) and (2), which state:

Title 21 U.S.C. § 853. Criminal forfeitures

(a) Property subject to criminal forfeitures.

Any person convicted of a violation of this subchapter or subchapter II of this chapter punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law.--

- (1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;
- (2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; . . .

This Notice of Demand for Forfeiture includes but is not limited to the following properties:

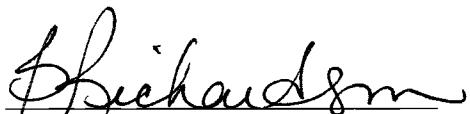
III.
Personal Properties

1. RUGER, P90, .45 caliber semi-automatic pistol, SN: 66247506;
2. SMITH & WESSON 64, .45 caliber semi-automatic pistol, , SN: TBA1447;
3. SMITH & WESSON SD40VE, .40 caliber semi-automatic pistol, SN: OBLITERATED;
4. ITHICA M1911, .45 caliber semi-automatic pistol, SN: 885021;
5. PIETRO BERETTA 92FS, 9MM semi-automatic pistol, SN: L41025Z;
6. SMITH & WESSON 642, 38 SPL revolver, SN: DCW0261;
7. GLOCK 23, .40 caliber semi-automatic pistol, SN: UKK899;
8. SMITH & WESSON 64-3, 38 SPL revolver, SN: AFR6015;
9. NORINCO SKS 7.62X3 9MM caliber semi-automatic, SN: 18015884N;
10. SPRINGFIELD M1A,308 caliber semi-automatic, SN: 206044;
11. RUGER 10-22, .22 caliber semi-automatic rifle, SN: 23915536;
12. MOSSBERG, 185K-A, 20 gauge bolt action shotgun, NO SERIAL #;
13. MOSSBERG 715T, 22 caliber semi-automatic rifle, SN: EM13888827;
14. RUGER M77, 223 bolt action shotgun, SN: 78467248;
15. WINCHESTER, 1300, 20 gauge shotgun, SN: L3341356;
16. GLOCK 27, 40 caliber semi-automatic pistol, SN: TAD323;
17. RUGER, 22 Light w/suppressor .22 caliber semi-automatic pistol, SN: 39094765;
18. ROMARM GP WASR-10 7.62X39 caliber semi-automatic rifle, SN: SA1306081
19. UNKNOWN Unknown 12 gauge shotgun, NO SERIAL #;
20. SMITH & WESSON 1000, 12 gauge lever action shotgun, SN: FS23864;
21. SAVAGE ARMS 11, 243 caliber bolt action shotgun, SN: G255353;
22. TAURUS BZ PT100A, .40 caliber semi-automatic pistol, SN: SZL66794;
23. KIMBER TAC PRO 2, 45 caliber semi-automatic pistol, SN: KR57588;
24. DPMS A15, 223 caliber semi-automatic rifle, SN: F141568K;
25. SIG SAUER, 556 x 1.7 62x3, 9MM semi-automatic rifle; SN: 34C006049;
26. SPRINGFIELD, 67, 12 gauge shotgun; SN: OBLITERATED;
27. DSA SA58, 308 caliber, semi-automatic rifle; SN: DS36358;
28. REMINGTON; Woodmaster 742, 30-06 caliber, semi-automatic rifle; SN: 712795;
29. MOSSBERG 22 PLINKSTER, 22 caliber, semi-automatic rifle, SN: EG1300170;
30. STEVENS, unknown model, 12 gauge shotgun;
31. CBC, SEARS & ROEBUCK, 12 gauge shotgun; and
32. Any and all related ammunition and firearm accessories.

A TRUE BILL.


FOREPERSON

JOHN F. BASH
United States Attorney

By: 
BETTINA RICHARDSON
Assistant United States Attorney